

Licensing Sub-Committee - 9th May 2006

Report of the Director of Law and Property

Application for a Premises Licence

Purpose of Report

- 1 To consider the application for the grant of a premises licence in respect of Mr Smith (Ringside Refreshments) in respect of the site at the Junction of Foster Street/High Street, Stourbridge, West Midlands.

Background

2. On the 7th November, 2005, an application was received from Mr Smith, (Ringside Refreshments), in respect of the site at the Junction of Foster Street/High Street, Stourbridge, West Midlands, for the grant of a premises licence. The application is attached to this report at Appendix 1.
3. The application had the following documents enclosed:-
 - Correct Fee (£100.00)
 - Site Plan
4. The application for a premises licence is as follows:

Provision of late night refreshment:

Mon – Sun inc	20.00 – 03.30
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- 5 Confirmation that copies of the application form and supporting documentation have been served on the relevant authorities has been received.
6. Representations have been received from a local resident and are attached to this report as appendix 2.

7. This matter was due to be considered by the Committee on the 19th December 2005. This matter was however deferred pending a meeting between Mr Smith and the West Midlands Police on the 12th January 2006.
8. It was decided following the meeting on the 12th January 2006, that Mr Smith make application for an alternative temporary premises licence at a site in High Street, Stourbridge (a copy of the West Midlands Police report and Mr Smith's comments following that meeting are attached to this report as Appendix 3). Mr Smith also made application for a consent to engage in street trading at that site.
9. The premises licence in respect of High Street, Stourbridge was granted on the 30th March 2006.
10. This application falls within the Council's recent responsibility for liquor licensing which has a direct link to the Council's key corporate priority that safety matters.

Proposal

11. That the Committee consider the application made by Mr Smith (Ringside Refreshments) in respect of the site at the Junction of Foster Street/High Street, Stourbridge, West Midlands for the grant of a premises licence

Finance

12. There are no financial implications.

Law

13. The law relating to the granting of applications to vary premises licences is governed by the Licensing Act 2003, Section 11, Part 3 and Schedule 8, part 1.
14. Pursuant to Section 35(3)(a) of the Licensing Act 2003, where a relevant authority has made representations, the Licensing Authority must:-
 - Hold a hearing to consider items, unless the authority, the applicant and each person who has made such representations agree that a hearing is unnecessary, and
 - Having regard to the representations, take such of steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the Licensing objectives.
 - The steps are:-
 - to modify the conditions of licence;
 - to reject the whole or part of the application
15. Pursuant to Section 36(1) and (4) of the Licensing Act 2003 where an application (or any part of an application) is granted or rejected under Section 35 of

the Licensing Act 2003, the Licensing Authority must immediately give notice to that effect to:-

- the applicant;
 - any person who made relevant representations in respect of the application and
 - the Chief Officer of Police for the police area in which the premises are situated.
16. In pursuance of Regulation 26(1) of the Licensing Act 2003 (Hearing Regulations 2005), the Licensing Authority must make its determination at the conclusion of the hearing
 17. If the Licensing Authority refuse to grant the application to vary the premises licence, there is a right of appeal to the Magistrates Court pursuant to Schedule 5, Part 1(b).
 18. Pursuant to Section 4(1), (2) and (3), Schedule 5 of the Licensing Act 2003, where the Licensing Authority grant an application to vary a premises licence in whole or in part. The applicant may appeal against any decision to modify the conditions of the licence under subsection 4(a) of Section 35 of the Licensing Act 2003.

Where a person who made relevant representations to the application desires to contend:-

- that any variation made ought not to have been made, or
- that, when varying the licence, the Licensing Authority ought not to have modified the conditions of the licence, or ought to have modified it in a different way, under subsection 4(a) of Section 35 of the Licensing Act.

They have the right of appeal to the Magistrates Court.

Equality Impact

19. This report complies with the Council's policy on equal opportunities.
20. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
21. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

22. That the Sub-Committee determine the application.

John Pym

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DIRECTOR OF LAW AND PROPERTY

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List of Background Papers